HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.17062 of 1998

Dated 26th day of March, 2007

Between:

B. Shanthaiah .. Petitioner

And

The Revenue Divisional Officer,
Karimnagar District, Karimnagar
and another .. Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the proceedings dated 20.4.1998 issued by the 1st respondent, as arbitrary and illegal, and consequently direct the respondents to fix market price for the land allotted to the petitioner.

The brief facts of the case are that the 2nd respondent, in his proceedings dated 27.11.1991, allotted the petitioner an extent of Ac.0.20 guntas in S.No.120/24 and Ac.0.20 guntas in S.No.120/40, totally admeasuring Ac.1.00 cents of land situated in Arepalli village. When the respondents gave an option to the petitioner to pay market price for the allotted land, the petitioner agreed and paid the market price, but he was not given any receipt of it. Now, his grievance is that the 1st respondent issued him a show cause notice dated 18.2.1997 calling for explanation as to why the allotment of land in question shall not be cancelled on the ground that he did not cultivate it since the date of assignment but is trying to convert it into plots. Being not satisfied with the explanation submitted by the petitioner, the 1st respondent passed the impugned proceedings cancelling the patta certificate issued by the 2nd respondent.

Heard the learned counsel for both the parties.

From the facts it is clear that against the orders, dated 20.4.1998 passed by the Revenue Divisional Officer cancelling the assignment made in favour of the petitioner, the petitioner has a right of appeal as provided under Section 4(B) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. However, the petitioner has not exhausted the remedy of appeal, but straight away approached this Court and filed the present writ petition, which, in my considered view, is misconceived.

Hence, the writ petition is devoid of merits and the same is accordingly dismissed, however, the petitioner may approach the appellate authority and agitate before him as to why the assignment made in his favour should be cancelled. The appeal shall be preferred within a

period of six weeks from the date of receipt of a copy of this order. As this Court, while ordering Rule Nisi directed the respondents not to alienate the petitioner's land in question, this interim direction shall continue till the appeal is preferred. No costs.

_____

26.03.2007

bcj